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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,699	03/30/1999	TAKAHIRO MATSUMURA	990377	6201
38834	7590	03/11/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			CRAVER, CHARLES R	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/280,699	MATSUMURA, TAKAHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles R Craver	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 November 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,4,7,10 and 16-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4,7,10 and 16-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 March 1999 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 10, 16, 17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiki et al in view of Urabe.

**Claims 1, 4, 10, 16, 17, 19 and 20:** Ushiki discloses a telephone set identifying method and apparatus for utilizing a first section for identifying a type of portable telephone set to which a data processing apparatus (1) is coupled via a port (FIG 1), comprising the steps of identifying the type of device attached in response to a received identification signal (reads operation start signal) from the first section received at a data interface part of the mobile device (PARA 0026). Ushiki further discloses that the signal sent is of the communication protocol and information is set indicating the protocol corresponding to the type of telephone set (PARA 0026).

Ushiki fails to disclose that the type of phone includes a mobile protocol and a PHS protocol.

Urabe discloses digital phones in Japan, such as those taught by Ushiki, comprised at the time of the invention a number of types of phones including personal cellular (mobile), and PHS phones (col 1 lines 12-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Ushiki to identify the digital phones of Urabe, as Urabe states that they are the types of digital phones used in the environment to which Ushiki was applied, that is that one of ordinary skill in the art would have been motivated to use the standard available types of mobile terminals disclosed by Urabe as the types of terminals disclosed in Ushiki.

**Claim 21:** Ushiki discloses that the identified system is reported to the data processing system (PARA 0026).

Claims 7, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiki et al in view of Urabe and Lintula et al.

**Claims 7 and 18:** Ushiki discloses a telephone set identifying method and apparatus for utilizing a first section for identifying a type of portable telephone set to which a data processing apparatus (1) is coupled via a port (FIG 1), comprising the steps of identifying the type of device attached in response to a received identification signal (reads operation start signal) from the first section received at a data interface part of the mobile device (PARA 0026). Ushiki further discloses that the signal sent is of the communication protocol and information is set indicating the protocol corresponding to the type of telephone set (PARA 0026).

Ushiki fails to disclose that the type of phone includes a mobile protocol and a PHS protocol.

Urabe discloses digital phones in Japan, such as those taught by Ushiki, comprised at the time of the invention a number of types of phones including personal cellular (mobile), and PHS phones (col 1 lines 12-31).

Lintula discloses the utility of using a processor in a PC card, connected by a wire to one of a variety of mobile phone types (col 4 lines 1-11), to determine the type of network the phone can connect to (col 5 lines 27-50) and wherein the terminal may comprise either a mobile or PHS terminal (col 3 lines 39-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Ushiki to identify the digital phones of Urabe, as Urabe states that they are the types of digital phones used in the environment to

which Ushiki is applied, as well as utilize a PC card for the determining apparatus, as it would make the task "easier and faster to perform", see Lintula col 1 lines 20-26.

### ***Response to Arguments***

Applicant's arguments filed 11-22-04 have been fully considered but they are not persuasive.

Regarding Ushiki, the examiner upholds that Ushiki teaches the differentiation of mobile terminals by kind, i.e. type. As to the protocol used, Urabe discloses that at the time of Ushiki's invention, two types of mobile terminals used in Japan were mobile and PHS. While Urabe does not disclose identifying phones by type, such is taught by the primary reference Ushiki, and Urabe is merely used to show what types of phone would have obviously been used at the time and thus how one of ordinary skill in the art at the time would have recognized that Ushiki should have been used to identify mobile and PHS phones as those were the kinds of phones used in Japan, where the invention of Ushiki would have been practiced. For example, the operation start signal stated in the instant claims is taught by Ushiki as an identification signal that is used to start the operation of identifying the mobile terminal, i.e. an operation start signal, wherein the signal is specifically for a communication protocol intended to be identified. Thus, as one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references (See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986)), Urabe is combinable with Ushiki as it discloses the types of mobile terminals that one of ordinary skill in the art would have applied to Ushiki.

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Plaza II, 200 South 20<sup>th</sup> St, Arlington VA, first floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

  
CHARLES CRAVER  
PRIMARY EXAMINER

March 4, 2005